HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.25779 of 2006

O R D E R:

1. When the matter is coming up for admission Sri S. Nageswara Reddy, the learned Standing Counsel takes notice on behalf of the respondent.

2. Heard Sri P. Prabhakar Rao, learned counsel representing the writ petitioner.

3. The writ petition is filed for a writ of mandamus declaring the action of the respondents in seeking to demolition the shop remises of the petitioner bearing H.No.11-3-128, Viabhav Silk Show Room, Ramatalkies Line, Macharla, Guntur District being its Municipal Assessment No.1022002264 without issuing any notice or following law, as arbitrary and illegal.

4. It is stated by the writ petitioner that the property in question was purchased by him by virtue of a registered sale deed dated
14-8-1992 and after demolition the old constructions, the petitioner had constructed pacca R.C.C construction with Municipal Approved Plan and it is a three-storied building. The other factual details are narrated in Page Nos.2, 3 and 4 of the affidavit and further grounds are also specified.

5. It is also stated that the respondent is being influenced by the local M.L.A and certain other allegations also had been narrated in Para No.5 of the affidavit. The main grievance is that the respondent is not following the guidelines framed in various pronouncements made by this Court and without following due process of law a serious action is being made to further proceed with the demolition activities. It is needless to say that the respondent is bound to follow the procedure in accordance with law before initiating any demolition activity in relation to the said matter of the writ petition.

6. In view of the same the writ petition is disposed of directing the respondent not to resort to the demolition activities of the subject matter of the writ petition unless and until the due process of law is followed. No order as to costs.

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(P.S. NARAYANA, J)

Dated 11th December 2006

Note:- Issue CC today.

(B/O)

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